IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 23 OF 2007

RAM KRISHNA GAONKAR AND 3 ORS. ... Appellants
Versus
M/S. V. M. SALGAONKAR AND BROS. PVT. LTD., AND ANR ... Respondents

Mr. M.B. D'Costa, Sr. Advocate with Mr. J. Abreu Lobo, for the Appellants.

Mr. A.f. Diniz For R-1 & 2

Coram:- S.A. BOBDE, J.

Date:- 15th June, 2007

ORAL JUDGMENT:

This appeal is from an Order dated 20th December, 2006 by which the learned trial Judge has refused injunction to the plaintiffs/appellants.

2. In the suit, the plaintiffs applied for an injunction to restrain the defendants/respondents from interfering in the suit property in any manner whatsoever till the disposal of the suit. It appears that the appellants' case is that the respondents do not have any right to carry on mining operation in the suit land. The learned trial Judge observed that there is an authorisation for utilization of the property given by the ancestors of the appellants to the respondents in respect of several survey numbers mentioned therein. Apart from the above,the learned trial Judge has observed that the respondents are carrying on mining operation under a valid document for extraction of iron in accordance with the mining lease executed in the year 1987 and that they are working in the leased area. The learned trial Judge has noted that the operations have been carried on since the year 1987 with the consent of the occupants of the land. Prima facie, the Court came to the conclusion that there is consent on behalf of

the appellants and, in fact, proceedings for determination of compensation under Section 24 of the Mines and Minerals Development and Regulation Act, 1957 are pending. In view of the order of the learned trial Judge, no case for interference is made out and the appeal is hereby dismissed.

Civil Application No. 46/07 accordingly stands disposed of.

S.A. BOBDE, J.

sl.